

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHLEEN A. MELHART, et al.,

Plaintiffs,

v.

MICHAELS STORES INC.,
ENVIROSCENT INC., JOHN DOE
MANUFACTURERS 1-10, JOHN
DOE CORPORATIONS 1-10, and
JOHN DOE 1-10,

Defendants.

C19-1632 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiffs' unopposed motion to continue the trial date to **October 25, 2021**, docket no. 23, is GRANTED. The Minute Order Setting Trial Date and Related Dates, docket no. 14, is hereby VACATED. The parties shall meet and confer and file a supplemental Joint Status Report and Discovery Plan on or before **February 12, 2021**. The Joint Status Report shall address (i) the parties' proposed pretrial schedule based on the new trial date, (ii) whether the case may be tried remotely via the ZoomGov.com platform, and (iii) any other issues addressed in this Minute Order.

(2) Plaintiffs' motion to compel Defendant Michaels Stores Inc., docket no. 23, to produce its Standard Operating Procedure (absent an agreed-upon confidentiality

1 agreement), to compel a response to Plaintiffs' Second Requests for Production ("RFP"),
 2 and a request for attorneys' fees and costs, is DENIED. Fed R. Civ. P. 37(a)(5)(B).¹

3 (3) Plaintiffs' motion to compel Defendant Enviroscint, Inc., docket no. 23, to
 4 more completely respond to Plaintiffs' First Interrogatories and RFP and to compel a
 5 response to Plaintiffs' Second RFP is GRANTED. *See* Wilcox Decl. to Reply at ¶ 16
 6 (docket no. 28-2). Defendant Enviroscint shall more completely respond to Plaintiffs'
 7 First Interrogatories and RFP and shall respond to the Second RFP, making the exemplar
 8 available for inspection at Defendant Enviroscint's counsel's office, on or before
 9 **January 22, 2021**. Plaintiffs' request for attorneys' fees and costs is GRANTED in part.
 10 The Court orders Defendant Enviroscint to pay Plaintiffs a reasonable amount of
 11 attorneys' fees and costs in the amount of **\$3,600.00**. *See* Fed. R. Civ. P. 37(a)(5)(A).

12 (4) Defendants have not waived their objections to privileged information or
 13 documents. The parties shall resolve any remaining discovery disputes at the meet and
 14 confer, and shall indicate in their Joint Status Report, *see supra*, ¶ 1, whether they will
 15 file a stipulated protective order and if so, the date by which they can file such an order.

16 (5) Defendants' request for oral argument is DENIED.²

17 (6) The Clerk is directed to send a copy of this Minute Order to all counsel of
 18 record.

19 Dated this 14th day of January, 2021.

20 William M. McCool
 21 Clerk

22 s/Gail Glass
 23 Deputy Clerk

¹ Because Plaintiffs' motion was "substantially justified," the Court declines to award fees to either party. *See* Fed. R. Civ. P. 37(a)(5)(B).

² The Court also declines to strike portions of Plaintiffs' reply brief, docket no. 28, or the materials attached thereto. *See* Defendant Enviroscint's Surreply (docket no. 30).